

Kevin R. McCarthy, VSB No. 14273
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UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In re:

OASIS VINEYARDS,

Debtor(s).

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Case No. 08-17750-RGM
(Chapter 7)

TRUSTEE'S MOTION TO SELL PROPERTY OF THE ESTATE
FREE AND CLEAR OF LIENS AND ALL OTHER INTERESTS

Kevin R. McCarthy, Trustee, moves the Court for authorization to sell property of the estate free and clear of liens and all other interests pursuant to 11 U.S.C. §§ 363(b)&(f) and Federal Rule of Bankruptcy Procedure 6004(a)-(c) as follows, on the terms and conditions set forth in the Notice Of Intention To Sell Property Of The Estate Free And Clear Of Liens And All Other Interests filed simultaneously herewith, namely:

PROPERTY FOR SALE: all trademarks including the Oasis trademark, licenses including the ABC license, customer lists, motor vehicles, winery equipment, cultivators, leaf pullers, storage tanks, barrels, washers, bottles of wine, cases of wine, tractors, and all other tangible personal property owned by the Debtor ("Property").

INTEREST BEING SOLD: Debtor's entire interest in the Property.

VALUE OF PROPERTY: Scheduled by Debtor as over \$300,000.

PLACE, MANNER, AND TIME OF SALE: The sale likely will occur at 14141 Hume Road, Hume, VA. The sale will occur either by public auction or private sale, at the discretion of N.T. Arrington, to the highest bona fide cash offeror at any time after the later of the following: sale notice published at www.arringtonauction.com; 21 days from the date of mailing of this sale notice; and Court approval of the Trustee's Motion.

APPRAISER, AUCTIONEER, AND SALES AGENT: N.T. Arrington – Auctioneer, Post Office Box 738, Gainesville, Virginia, 20156. Phone: (703) 255-4695; fax: (703) 754-9621; e-mail: nta1153@verizon.net.

COMPENSATION TO APPRAISER, AUCTIONEER, AND SALES AGENT:

10% of gross sale proceeds plus advertising costs and other reasonable sale-related expenses, which amounts may be deducted from the net sale proceeds remitted to the Trustee or paid by the Trustee without further Order of the Court.

LIENS: Robert D. Burke, Trustee of the Robert D. Burke, CPA, PC 401(k) Profit Sharing Plan, asserts a lien on the Property, which lien is disputed in good faith by the Trustee because it was not perfected by any open financing statement filed with the Secretary of the Commonwealth as of the date of the petition. This dispute is the subject of A.P. No. 08-17750. Because the lien is in bona fide dispute, the Property may be sold free and clear of the lien under 11 U.S.C. § 363(f)(4) with the lien, if any, to attach to the net sale proceeds pending the outcome of A.P. No. 08-17750. The Trustee is not aware of any other interests asserted against the Property, but all parties in interest will be served a copy of the Motion.

DEBTOR'S EXEMPTIONS: N/A.

TAX CONSEQUENCES TO ESTATE BY SALE: none or minimal.

NET PROCEEDS TO ESTATE: cannot be estimated at this time.

OTHER: The Order granting the Trustee's Motion shall not be subject to the fourteen-day stay provided in Federal Rule of Bankruptcy Procedure 6004(h). The Trustee shall be authorized to sign a Bill of Sale and any other documents reasonably necessary to complete the sale.

Wherefore, the Trustee requests the Court to enter the attached proposed Order.

Respectfully submitted,

/s/ Kevin R. McCarthy

Kevin R. McCarthy, VSB No. 14273

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Attorneys for Trustee

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of March, 2011 I served a copy of the foregoing through the court's ecf system on all registered ecf participants who have appeared in this case and mailed a copy of the foregoing, by first class mail, postage prepaid, to all of the parties on the attached mailing matrix and to the following:

N. T. Arrington – Auctioneer
Post Office Box 738
Gainesville VA 20156

Robert D. Burke, Trustee of the
Robert D. Burke, CPA, PC 401(k)
Profit Sharing Plan
6279 Franconia Road
Alexandria, VA 22310-2584

Julian Karpoff
Karpoff & Title
P.O. Box 990
Arlington, VA 22216

/s/ Kevin R. McCarthy
Kevin R. McCarthy